



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK  
Lisa M. Thomas  
140 Main St.  
Marlborough, MA 01752  
(508) 460-3775 FAX (508) 460-3723**

**AUGUST 29, 2016**

Regular meeting of the City Council held on Monday, AUGUST 29, 2016 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juairé, Oram, Ossing, Robey, Delano, Doucette, Elder, Tunnera, Irish and Landers. Meeting adjourned at 10:27PM.

**ORDERED:** That the Minutes of the City Council meeting JULY 25, 2016, **FILE AS AMENDED**; adopted.

**Councilor Oram recused.**

**ORDERED:** That the PUBLIC HEARING On the Application for Wireless Special Permit from New Cingular Wireless PCS, LLC-AT & T Mobility to remove Condition 7 of Special Permit, Order No. 11-1003004C which requires that AT & T fly an American Flag from the stealth antenna canister on the water tower, 175 Maple St. Order No. 16-1006637, all were heard who wish to be heard, hearing recessed at 8:07 PM.

**Councilors Present: Clancy, Delano, Doucette Elder, Tunnera, Irish, Landers, Juairé, Oram, Ossing, & Robey.**

**ORDERED:** That the PUBLIC HEARING On the Application for Special Permit from Mirick O'Connell on behalf of Crabtree Lake Williams LLC to amend Condition 2 of Special Permit, 215 Lakeside Ave., Order No. 16-1006636, X08/09-1002051E, all were heard who wish to be heard, hearing recessed at 8:51 PM.

**Councilors Present: Clancy, Delano, Doucette Elder, Tunnera, Irish, Landers, Juairé, Oram, Ossing, & Robey.**

**ORDERED:** That the PUBLIC HEARING On the Application for Special Permit from Ryan Development LLC on behalf of Apex WR 1031 LLC and Walker Realty LLC for Proposed Car Wash, specifically to allow for a car wash in Zone B of Water Supply Protection District, 22 Apex Dr., Order No. 16-1006635, all were heard who wish to be heard, hearing recessed at 9:19 PM.

**Councilors Present: Clancy, Delano, Doucette Elder, Tunnera, Irish, Landers, Juairé, Oram, Ossing, & Robey.**

**ORDERED:** That the Communication from Attorney Bergeron on behalf of its client assenting to this public hearing being held on August 29, 2016, **FILE**; adopted.

ORDERED: That the DPW transfer request in the amount of \$84,827.75 which moves funds from Contractual Obligations to various accounts as noted on the attached spreadsheets to fund the recently ratified collective bargaining contract between the City and the DPW Engineers, MA Laborers District Council of the Laborers International Union of North America, Local 176 for FY16-18 which is in effective as of July 1, 2015, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
DEPT:								FISCAL YEAR:	2017
FROM ACCOUNT:				TO ACCOUNT:				Available	
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$84,827.75	11990006	57820	Reserve for Salaries	\$3,317.60	14001101	5108	GIS Administrator	\$61,718.93	
Reason:	Contractual Obligation			Reason:	Contractual Obligation				
				\$7,540.40	14001101	50660	Asst. City Engineer	\$142,875.47	
Reason:				Reason:	Contractual Obligation				
				\$3,000.00	14001101	50700	Grade II Engineering Aide	\$38,096.30	
Reason:				Reason:	Contractual Obligation				
				\$11,836.00	14001101	50710	Junior Civil Engineer	\$234,499.83	
Reason:				Reason:	Contractual Obligation				
				\$400.20	14001103	51430	Longevity	\$10,055.00	
Reason:				Reason:	Contractual Obligation				
				\$514.48	14001103	51920	Sick Leave Buy Back	\$12,900.00	
Reason:				Reason:	Contractual Obligation				
				\$3,869.60	14001301	50660	General Foreman	\$73,398.15	
Reason:				Reason:	Contractual Obligation				
				\$205.44	14001303	51430	Longevity	\$37,840.00	
Reason:				Reason:	Contractual Obligation				
				\$133.42	14001303	51920	Sick Leave Buy Back	\$28,760.00	
Reason:				Reason:	Contractual Obligation				
				\$3,869.00	14001401	50692	Automotive Maintenance	\$73,383.13	

Reason:					Reason:	Contractual Obligation			
					\$104.07	14001403	51430	Longevity	\$3,870.00
Reason:					Reason:	Contractual Obligation			
					\$133.42	14001403	51920	Sick Leave Buy Back	\$5,430.00
Reason:					Reason:	Contractual Obligation			
					\$3,868.87	14001501	50680	General Foreman	\$73,383.15
Reason:					Reason:	Contractual Obligation			
					\$205.44	14001503	51430	Longevity	\$27,726.74
Reason:					Reason:	Contractual Obligation			
					\$133.42	14001503	51920	Sick Leave Buy Back	\$19,511.09
Reason:					Reason:	Contractual Obligation			
					\$3,240.50	60080001	50570	Chemist	\$60,089.93
Reason:					Reason:	Contractual Obligation			
					\$2,465.40	60080001	50580	Asst. Chemist	\$44,090.27
Reason:					Reason:	Contractual Obligation			
					\$28.41	60080003	51430	Longevity	\$710.00
Reason:					Reason:	Contractual Obligation			
					\$109.25	60080003	51920	Sick Leave Buy Back	\$2,735.00
Reason:					Reason:	Contractual Obligation			
					\$15,012.20	60081001	50850	Treatment Plant Operator	\$275,527.97
Reason:					Reason:	Contractual Obligation			
					\$3,868.87	60081001	50910	Chief Treatment Plant Oper.	\$73,383.14
Reason:					Reason:	Contractual Obligation			
					\$447.66	60081003	51430	Longevity	\$11,750.00
Reason:					Reason:	Contractual Obligation			
					\$233.51	60081003	51920	Sick Leave Buy Back	\$10,470.00
Reason:					Reason:	Contractual Obligation			
					\$12,009.80	60085001	50850	Treatment Plant Operator	\$220,963.00
Reason:					Reason:	Contractual Obligation			
					\$3,868.87	60085001	50910	Chief Treatment Plant Oper.	\$73,383.12
Reason:					Reason:	Contractual Obligation			
					\$309.54	60085003	51430	Longevity	\$11,300.00
Reason:					Reason:	Contractual Obligation			
					\$233.51	60085003	51920	Sick Leave Buy Back	\$8,340.00
Reason:					Reason:	Contractual Obligation			
					\$3,868.87	61090001	50680	General Foreman	\$73,383.12
Reason:					Reason:	Contractual Obligation			
Reason:					Reason:				
\$84,827.75	Total				\$84,827.75	Total			

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Transportation Program and Multicultural Outreach Program Grants from BayPath Elder Services in the amounts of \$4,500.00 and \$5,000.00 respectively to continue and expand the highly successful transportation program and the continuation of the Portuguese and Latino outreach program; adopted.

ORDERED:

**CERTIFICATE OF ADOPTION  
CITY COUNCIL  
CITY OF MARLBOROUGH, MASSACHUSETTS**

A RESOLUTION ADOPTING THE  
CITY OF MARLBOROUGH HAZARD MITIGATION PLAN 2016 UPDATE

WHEREAS, the City of Marlborough established a Committee to prepare the *City of Marlborough Hazard Mitigation Plan 2016 Update*, and

WHEREAS, the *City of Marlborough Hazard Mitigation Plan 2016 Update* contains several potential future projects to mitigate potential impacts from natural hazards in the City of Marlborough, and

WHEREAS, as part of the process of updating the Hazard Mitigation Plan, duly-noticed public meetings were held by the Planning Board on April 6, 2015 and by the City Council on July 27, 2015,

NOW, THEREFORE BE IT RESOLVED that the Marlborough City Council hereby:

1. Formally approves and adopts the *City of Marlborough Hazard Mitigation Plan 2016 Update*, in accordance with the General Laws of Massachusetts and the charter and ordinances of the City of Marlborough, as an official plan of the City of Marlborough; and
2. Authorizes responsible departments and/or agencies to execute their responsibilities and implement the recommended actions demonstrated in the plan.

**APPROVED;** adopted

ORDERED: That the Appointment of Nicholas Charbonneau as the new Director of Veterans Services for a term to expire three years from date of City Council approval, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Reappointments of the following individuals to the Council on Aging with staggered terms; Jim Confrey and Richard Collins with four year terms expiring in May 2020, Brenda Costa and Leslie Biggar to three year terms expiring in May 2019, & Rose Marie Elwood and Jeanne McGeough and Pat Gallier to two year terms expiring May 2018, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: The City Clerk be and is hereby authorized and directed to warn and notify the voters of each of the seven (7) Wards and fourteen (14) Precincts of the City of Marlborough, duly qualified to vote in Primaries, to assemble in their respective polling places, as designated by the City Council as follows:

WARD ONE: Precinct 1 and 2	Francis J. Kane School, 520 Farm Rd.
WARD TWO: Precinct 1 and 2	Francis J. Kane School, 520 Farm Rd.
WARD THREE: Precinct 1	Senior Center, 40 New St.
WARD THREE: Precinct 2	Raymond J. Richer School, 80 Foley Rd.
WARD FOUR: Precinct 1 and 2	Senior Center, 40 New St.
WARD FIVE: Precinct 1 and 2	Senior Center, 40 New St.
WARD SIX: Precinct 1 and 2	1LT Charles W. Whitcomb School, 25 Union St.
WARD SEVEN: Precinct 1 and 2	Hildreth School, 85 Sawin St.

On Thursday, September 8, 2016 then and there, for the purpose of casting their votes in the State Primary for the candidates of political parties for the following offices:

<b>REPRESENTATIVE IN CONGRESS</b>	<b>THIRD DISTRICT</b>
<b>COUNCILLOR</b>	<b>THIRD DISTRICT</b>
<b>SENATOR IN GENERAL COURT</b>	<b>MIDDLESEX &amp;</b>
	<b>WORCESTER DISTRICT</b>
<b>REPRESENTATIVE IN GENERAL COURT</b>	<b>4<sup>TH</sup> MIDDLESEX &amp; 13<sup>TH</sup></b>
	<b>MIDDLESEX DISTRICT</b>
<b>SHERIFF</b>	<b>MIDDLESEX COUNTY</b>

It is further ordered that the polling places legally designated by the City Council be opened at 7:00 o'clock in the forenoon and be closed at 8:00 o'clock in the evening. The City Clerk be and hereby is authorized to cause notice to be given by publication of this Order in a local newspaper and by posting a copy of the same in a conspicuous place in the office of the City Clerk and in each Ward and Precinct of the City.

**FILE**; adopted.

ORDERED: That the Communication from City Solicitor, Donald Rider re: Application for LED Sign Special Permit, V & G Realty Trust, Vrej Askanian and Grace Kanoon, Trustees, 50 Main St., in proper legal form, Order No. 16-1006517A, **TABLED UNTIL SEPTEMBER 12, 2016**; adopted.

ORDERED: That the Communication from City Solicitor, Donald Rider re: Application for LED Sign Special Permit, CareWell Urgent Care Centers of MA, P.C., in proper legal form, Order No. 16-1006579A, **MOVE TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That the Favorable Recommendation from the Planning Board to the City Council for Proposed Zoning Amendment-Lawful Pre-Existing Single and Two-Family Residential Structures, Chapter 650, Sections 12 & 58, Order No. 16-1006578A, **FILE**; adopted.

ORDERED: That Communication from Attorney Bergeron on behalf of Ryan Development LLC on behalf of Apex WR 1031 LLC and Walker Realty LLC for Proposed Car Wash, specifically to allow for a use of a car wash at Apex Center in the Hospitality and Recreation Mixed Use Overlay District, 22 Apex Dr., 16-1006634, assenting to the public hearing being held on September 12, 2016, **FILE**; adopted.

ORDERED: That the Communication from Attorney Bergeron on behalf of Ryan Development LLC on behalf of Apex WR 1031 LLC and Walker Realty LLC for Proposed Restaurant with a Drive-thru, 157 Apex Dr., 16-1006632 & for Proposed Veterinary Hospital, 58 Apex Dr., Order No. 16-1006633, assenting to the public hearing being held on September 26, 2016, **FILE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, SEPTEMBER 26, 2016** as **DATE FOR PUBLIC HEARING** On the Petition from NGrid and Verizon New England, Inc. to install 2 Stub Poles P62-84 & P68-84 for reconducturing on Stevens St., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Communication from Attorney Austin re: Request to Change Location of Easement at 85 Ames St., refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Minutes, Planning Board, June 6 & June 20, 2016, **FILE**; adopted.

ORDERED: That the Minutes, School Committee, June 28 & July 11, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, June 29 & July 26, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, May 19, 2016, **FILE**; adopted.

ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.

- a. Ronald Teran, 1 Dibuono Dr., other property damage.

#### Reports of Committees:

Councilor Tunnera reported the following out of the Personnel Committee:

Meeting Name: City Council Personnel Committee

Date: August 3, 2016

Time: 7:00 PM

Location: City Council Chamber, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Convened: 7:03 PM – Adjourned: 7:25 PM

Present: Chairman Tunnera; Personnel Committee Members Councilors Irish and Elder; Councilors Clancy, Delano, Juare, Landers, Ossing and Robey

Also Present: Arthur Vigeant (Mayor); Robin Williams; James Griffin; Elizabeth Evangelous; Thomas Pope

## Reports of Committees Cont'd:

**Order No. 16-1006628: Reappointments of Robin Williams and James Griffin to the Board of Health for a term of two years expiring on the first Monday in February 2018.** Recommendation of the Personnel Committee is to approve the reappointments of Robin Williams and James Griffin to the Board of Health. **Motion made by Councilor Irish, seconded by the Chair, to approve the reappointments. The motion carried 2-1 (Elder opposed.)**

**Order No. 16-1006629: Reappointment of Elizabeth Evangelous to the Board of Registrars for a term of three years to expire April 1, 2019.** Recommendation of the Personnel Committee is to approve the reappointment of Elizabeth Evangelous to the Board of Registrars. **Motion made by Councilor Elder, seconded by the Chair, to approve the reappointment. The motion carried 3-0.**

**Order No. 16-1006630: Appointment of Thomas Pope to the Zoning Board of Appeals for a term expiring five years from date of City Council approval.** Recommendation of the Personnel Committee is to approve the appointment of Thomas Pope to the Zoning Board of Appeals. **Motion made by Councilor Elder, seconded by the Chair, to approve the appointment. The motion carried 3-0.**

**Motion made by Councilor Elder, seconded by the Chair, to adjourn. The motion carried 3-0. The meeting adjourned at 7:25 PM.**

Councilor Elder reported the following out of the Operations and Committee:

Meeting Name: City Council Operations & Oversight Committee

Date: August 3, 2016

Time: 6:00 PM

Location: City Council Chambers, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Convened: 6:02 PM – Adjourned: 6:58 PM

Present: Chairman Elder; Operations & Oversight Committee Members Councilors Robey and Landers; Councilors Clancy, Delano, Juairé and Ossing

Also Present: Arthur Vigeant (Mayor); Patricia Pope (Executive Director, Council on Aging)

**Order No. 16-1006645: That the Mayor meet with the Operations and Oversight Committee to discuss ancillary uses of the Senior Center, in direct opposition to what was discussed with the City Council. The Council was assured that the Center would only be used for activities for seniors, but the Veterans Agent was recently moved there. (Submitted by Councilor Elder)** The Operations and Oversight Committee met with Mayor Arthur Vigeant and Council on Aging Executive Director, Patricia Pope, for a discussion of the relocation of the office of the Veterans' Services Agent to the Senior Center. The committee was informed approximately one-third of the State's Veterans' Services Agents are located in their local Senior Centers and this would be the only office moved to the Senior Center as the remainder of the space is used for their programs. **Motion made by Councilor Robey, seconded by Chair, to report with no recommendation. The motion carried 3-0. Motion made and seconded, to adjourn. The motion carried 3-0. The meeting adjourned at 6:58 PM.**

## Reports of Committees Cont'd:

Councilor Robey reported the following out of the Legislative and Legal Affairs Committee:

City Council Legislative and Legal Affairs Committee  
Tuesday, August 9, 2016– In Council Chambers  
Minutes and Report

Present: Chairman Katie Robey, Councilor Juare and Councilor Delano. Also attending were Cynthia Panagore Griffin, Assistant City Solicitor and Tom DiPersio, City Engineer.

**Order No. 16-1006622: Order of acceptance of Permanent Easement from Bell Fund V Marlborough LLC for an approximately 4,799 SF portion of land on Elm St. at Millham Brook.**

Mr. DiPersio explained this easement was necessary so the City could complete reconstruction and maintenance of the Millham Brook culvert that passes beneath Elm St. but the eastern side is on private property. The letter from the Mayor dated July 21, 2016 stated that no appropriation of funds was necessary as funding was available thru the reconstruction project.

**Councilor Delano moved to recommend approval of Order 16-1006622 for the permanent drainage easement in an approximately 4,799 SF portion of land located on the easterly side of Elm Street at Millham Brook, including the culvert, and acceptance as a municipal easement with the attached Grant of Permanent Easement and the Plan of Land. The motion was seconded and carried 3-0.**

It was moved and seconded to adjourn the Legislative & Legal Committee meeting; seconded and carried 3-0. Meeting adjourned at 6:10 PM.

Councilor Landers reported the following out of the Public Services Committee:

Meeting Name: City Council Public Services Committee

Date: August 24, 2016

Time: 6:30 PM

Location: City Council Chambers, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Convened: 6:30 PM – Adjourned: 6:51 PM

Present: Chairman Landers; Public Services Committee Members Councilors Irish and Doucette

Also Present: Jody Gaudet (Comcast); Thomas DiPersio, Jr., P.E. (City Engineer)

**Order No.16-1006609: Petition of Comcast to excavate and place 1-3” schedule 40 PVC conduit across the alley-way that connects Main Street and Weed Street between buildings #200 Main Street and #194 Main Street starting at the existing Comcast hand hole, excavate and place conduit in a westerly direction toward the rear of #200 Main Street for a distance of 21 +/-feet.** Jody Gaudet, Comcast representative, explained the petition was a request for permission to install service to the business located at 200 Main Street. The Public Services Committee confirmed the location and scope of the work with Mr. Gaudet.

## Reports of Committees Cont'd:

Chairman Landers read the list of standard conditions for the project as required by the City Engineer:

1. The contractor performing the work should confirm with this department whether a street opening/trench permit is required, based on the depth of the proposed excavation.
2. A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city-owned or private property unless permission is granted in writing by the property owner(s).
3. The contractor is to ensure pedestrians along the work site are able to safely access parking areas and building entrances, and that construction safety controls are established (signage, drums, police details, etc.) and are in accordance with the latest MUTCD standards.
4. The excavation is to be paved, or completely backfilled and compacted at the end of each work day, and should never to be left unattended.
5. Post construction loaming and seeding in unpaved areas is to be done in accordance with the 1995 MHD Standard Specifications sections 751 and 765.
6. The alley-way is owned by the Marlborough Redevelopment Authority. Comcast shall coordinate with them to obtain any easements as necessary prior to work commencing.

**Motion made by Councilor Irish, seconded by Councilor Doucette, to approve. The motion carried 3-0. Motion made by Councilor Irish, seconded by Chair, to request a suspension of the rules at the August 29, 2016 City Council meeting to take action on the petition. The motion carried 3-0.**

**Motion made by Councilor Doucette, seconded by Chair, to adjourn. The motion carried 3-0. The meeting adjourned at 6:51 PM.**

Councilor Ossing reported the following out of the Rules Committee:

Meeting Name: City Council Rules Committee

Date: August 9, 2016

Time: 3:00 PM

Location: City Council Chamber, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Convened: 3:07 PM – Adjourned: 4:00 PM

Present: Chairman Clancy; Rules Committee Members Councilors Delano and Ossing; Councilor Robey

Also Present: Lisa Thomas (City Clerk); Mark Gibbs (Director, Information Technology Systems); Dan Guindon (Executive Director, WMCT-TV Studios); Karen Boule (City Council Secretary)

## Reports of Committees Cont'd:

**Order No. 16-1006646: That all city councilors be given the choice to opt out of all paper communications and be allowed to bring a tablet or laptop to council meetings for informational purposes.**

The Rules Committee met with City Clerk Lisa Thomas and Information Technology Director Mark Gibbs for a discussion regarding the use of electronic devices, either laptops or tablets, by members of City Council during meetings to access agendas and other relevant documents. They agreed some members may continue to receive paper copies of all documentation however for those opting to reduce their paper usage they would be allowed to use a personal laptop or tablet for viewing meeting documents.

City Council Rule 3 would be amended (italicized text) as follows:

3. Electronic devices, including laptops, cell phones, pagers, and PDA's must be turned off or put on silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the Chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes. *City Councilors may use a laptop or a tablet, but not a cell phone, for the purpose of viewing City Council or other pertinent documents. The purpose of this rule is to reduce the use of paper. Councilors shall not text, email, or otherwise use electronic devices to communicate during regular meetings or committee meetings.*

**Motion made by Councilor Ossing, seconded by the Chair, to amend the rules regarding electronic devices and their use by City Council members during meetings. The motion carried 3-0.**

**Motion made by Councilor Delano, seconded by the Chair, to adjourn. The motion carried 3-0. The meeting adjourned at 4:00 PM.**

**Suspension of the Rules requested – granted****ORDERED:**

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that the permanent drainage easement in an approximately 4,799 S.F. portion of land located on the easterly side of Elm Street at Millham Brook, including the culvert, be accepted as a municipal easement as shown on plan thereof and as hereinafter described:

**DESCRIPTION**

Plan entitled “Plan of Land In Marlborough, Massachusetts, Prepared For: City of Marlborough, 140 Main Street, Marlborough, MA 01752; Prepared By Bruce Saluk & Associates, Inc., Civil Engineering & Land Surveying, 576 Boston Post Road East, Marlborough, MA 01752; Date: August 4, 2015; Scale: 1” = 20’; said Plan to be recorded at the Middlesex County South Registry of Deeds;

Title to the permanent drainage easement as shown on said plan has been granted to the City of Marlborough in a Grant of Permanent Easement from Bell Fund V Marlborough, LLC, said Grant of Permanent Easement to be recorded in the Middlesex County South Registry of Deeds.

**IT IS THEREFORE ORDERED THAT:**

The permanent drainage easement in an approximately 4,799 S.F. portion of land located on the easterly side of Elm Street at Millham Brook be accepted as a municipal easement in the City of Marlborough.

**APPROVED;** adopted.

President Clancy called a recess at 9:43 PM and returned to open session at 9:45 PM.

**Suspension of the Rules requested – granted**

ORDERED: That the Petition of Comcast to evacuate and place 1-3" Schedule 40 PVC conduit across the alley-way that connects Main St. and Weed St. between buildings #200 Main St. and #194 Main St. Starting at the existing Comcast hand hole, excavate and place conduit in a westerly direction toward the rear of #200 Main St. for a distance of 21"+/-, **APPROVED WITH THE FOLLOWING CONDITIONS**; adopted.

1. The contractor performing the work should confirm with this department whether a street opening/trench permit is required, based on the depth of the proposed excavation.
2. A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city-owned or private property unless permission is granted in writing by the property owner(s).
3. The contractor is to ensure pedestrians along the work site are able to safely access parking areas and building entrances, and that construction safety controls are established (signage, drums, police details, etc.) and are in accordance with the latest MUTCD standards.
4. The excavation is to be paved, or completely backfilled and compacted at the end of each work day, and should never to be left unattended.
5. Post construction loaming and seeding in unpaved areas is to be done in accordance with the 1995 MHD Standard Specifications sections 751 and 765.
6. The alley-way is owned by the Marlborough Redevelopment Authority. Comcast shall coordinate with them to obtain any easements as necessary prior to work commencing.

**Suspension of the Rules requested – granted**

ORDERED: That the City Council Rule 3 would be amended (*italicized text*) as follows:

3. Electronic devices, including laptops, cell phones, pagers, and PDA's must be turned off or put on silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the Chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes. *City Councilors may use a laptop or a tablet, but not a cell phone, for the purpose of viewing City Council or other pertinent documents. The purpose of this rule is to reduce the use of paper. Councilors shall not text, email, or otherwise use electronic devices to communicate during regular meetings or committee meetings.*

**APPROVED**; adopted.

ORDERED: That the Mayor be requested to submit a transfer **in the amount of \$100,000.00** to the City Council from the City's Economic Development Fund to the MEDC for a performance center facility study and temporary operational funds through June 30, 2017. The funds will be used to complete a performance center study hopefully leading to outside financial grants, to host a number of performances throughout the community; and to gauge interest from the citizenry and business community regarding the merits of a downtown performance center and its importance to the economic vitality of the downtown and city at large.

The MEDC shall act as financial fiduciary, while the studies, performance organization and management, and outreach will be the responsibility of the Performing Arts ad hoc committee appointed by Mayor Vigeant, refer **URBAN AFFAIRS COMMITTEE**; adopted.

**Councilor Elder opposed.**

ORDERED: That the Marlborough Economic Development Corporation work with WMCT-TV to record their meetings to be publicly broadcast for the entire city to watch, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

**Motion made by Councilor Edler, seconded by Councilor Oram.**

**President Clancy orally noted a hand count of nine Councilors who were in favor of the referral and two Councilors (Delano & Clancy) who were opposed.**

ORDERED: That the Appointment of Karen Bento to the Library Board of Trustees for a term to expire three years from date of City Council approval, **APPROVED**; adopted.

ORDERED: That the Appointments of Councilor David Doucette, Derek Chaves, & Laura Kyle to the Commission on Disabilities for terms of three years from date of City Council confirmation, **APPROVED**; adopted.

**Councilor Doucette recused.**

ORDERED:

**DECISION ON AN LED SIGN SPECIAL PERMIT  
IN CITY COUNCIL**

**LED Sign Special Permit  
CareWell Urgent Care  
757 Boston Post Road East  
Order No. 16-1006579B**

**DECISION ON AN LED SIGN SPECIAL PERMIT  
CITY COUNCIL ORDER NO. 16-1006579B**

The City Council of the City of Marlborough hereby GRANTS the application for an LED Sign Special Permit to CareWell Urgent Care Centers of MA, P.C. (the "Applicant") for the property located at 757 Boston Post Road East in Marlborough Massachusetts, as provided in this Decision and subject to the following Procedural Findings, Findings of Fact and Conditions.

PROCEDURAL FINDINGS

1. The owner of the property located at 757 Boston Post Road East in Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 61, Parcel 30 (the "Site") is Route 20 Marlboro Properties LLC.
2. On May 12, 2016, the Applicant submitted to the City Clerk for the City of Marlborough an LED Sign Permit Application (the "Application"). The Applicant seeks an LED Sign Special Permit pursuant to Section 526-13, entitled "Electronic Message Center Signs and Digital Display Signs," of Chapter 526 of the City Code of the City of Marlborough (the "Sign Ordinance") to operate a free-standing sign to include a light emitting diode message sign (the "Sign") at the Site.
3. The Sign overall is approximately 14.7 square feet (73" wide by 29" high) with a double- faced color emitting diode message sign located below an internally illuminated sign on a free-standing pylon sign approximately 25' high. The Sign installer is Back Bay Sign, 65 Industrial Way, Unit I, Wilmington, MA 01887.
4. In connection with the Application, the Applicant has submitted schematic design plans of the Site and signage, which plans show the Sign and location of the Sign on the Site.
5. The Marlborough City Council held a public hearing on the Application on Monday, June 20, 2016.
6. The Applicant, through its representatives, presented testimony at the public hearing detailing the Sign. No individual in attendance at the public hearing spoke in opposition to the Sign.
7. The Applicant further presented its Application at the Urban Affairs Committee meeting held on July 19, 2016. As a result of that meeting, the Sign's size has been reduced in size to the dimensions referenced in paragraph 3 above, and as per the 2-page plan submitted by Back Bay Sign on July 27, 2016 and referenced in condition 2 below.

**BASED ON THE ABOVE, THE CITY COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT AND TAKES THE FOLLOWING ACTIONS**

- A. The Applicant has complied with all the rules and regulations promulgated by the Marlborough City Council as they pertain to an application for a special permit under the Sign Ordinance.
- B. The City Council finds that the sign complies with the standards set forth in Section 526-13.B of the Sign Ordinance.

- C. The City Council finds, pursuant to Section 526-13.B(16) of the Sign Ordinance, that: all other signage on the Site is in compliance with zoning requirements; the Sign does not create unnecessary visual clutter or constitute signage overload for the lot or surrounding neighborhood or street; the Sign does not substantially block visibility of signs on abutting lots; the Sign does not substantially block solar access of, or view from, windows of residential dwellings on abutting lots; the proposed illumination is appropriate to the Site and is appropriately located with respect to the character of the surrounding neighborhood; the scale and/or location of the Sign is appropriate: and the dimensions of the Sign comply with the area limitations of the Sign Ordinance.
- D. The City Council, pursuant to its authority under the Sign Ordinance, hereby GRANTS the Applicant an LED Sign Special Permit for the Sign, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:

CONDITIONS

1. The Sign shall be operated in accordance with the Sign Ordinance of the City of Marlborough. The Sign shall conform to the Sign Ordinance of the City of Marlborough without a request, or need, for a variance.
2. All plans and/or other documentation provided by the Applicant as part of the Application, and as amended during the Application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, including the 2-page plan entitled "CareWell Urgent Care, 757 Boston Post Road, Marlborough, MA," prepared by Back Bay Sign, 65 Industrial Way, Unit I, Wilmington, MA, Job# 1224822, dated 1/21/2016, are incorporated into and become part of this LED Sign Special Permit, and become conditions and requirements of the same, unless otherwise altered by the City Council.

**Yea: 11 – Nay: 0 –**

**Yea: Delano, Doucette, Elder, Tunnera, Irish, Clancy, Landers, Juair, Oram, Ossing, & Robey**

ORDERED: That the Application by Vrej Askanian to operate an LED illuminated changeable gas pricing sign at Discount Gas Station located at 50 Main Street, **TABLED UNTIL SEPTEMBER 12, 2016**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 10:27 PM.